

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER FORD,

Plaintiff,

v.

Case No. 1:08-CV-256

JAMES QUINLAN,

HON. GORDON J. QUIST

Defendant.

/

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has before it Plaintiff's Objections to the report and recommendation dated April 2, 2008, in which Magistrate Judge Brenneman recommended that Plaintiff's complaint be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b), and 42 U.S.C. § 1997(e)(c) for failure to state a claim. In particular, the magistrate judge recommended that Plaintiff's complaint be dismissed because he has no liberty interest in parole under Michigan's parole system, and therefore he cannot claim a violation of his procedural due process rights. After conducting a *de novo* review of the report and recommendation, the Court concludes that the report and recommendation should be adopted by the Court.

In his objection, Plaintiff contends that Michigan's parole scheme creates a protected liberty interest in being released on parole. Plaintiff cites language in the Michigan statute indicating that the parole board is required to consider certain factors. However, as the magistrate judge properly noted, those factors are no more than factors that are considered by the parole board, and nothing in the statute mandates release upon reaching a high probability of parole. Plaintiff cites no authority holding that Michigan's parole system creates a liberty interest. Instead, as indicated in the report

and recommendation, a wealth of case law holds to the contrary. In short, there is no presumption to a right to release. Accordingly, Plaintiff's objection is without merit. Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge, filed April 2, 2008, is approved and adopted as the opinion of the Court. Plaintiff's claims under 42 U.S.C. § 1983 are dismissed with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b), and 42 U.S.C. § 1997e(c). This dismissal counts as a strike for purposes of 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that there is no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wigginsworth*, 144 F.3d 601, 611 (6th Cir. 1997).

This case is **concluded**.

Dated: May 13, 2008

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE